



**Service of Process
Transmittal**

08/12/2020

CT Log Number 538083967

TO: Kim Lundy Service Of Process
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in New York

FOR: Wal-Mart Stores (Cross Ref Name) (Domestic State: DE)
WALMART INC. (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: ROSLYN DAVIS, Pltf. vs. WAL-MART STORES EAST, LP, Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 5120202020

NATURE OF ACTION: Summons and Complaint

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Certified Mail on 08/12/2020 postmarked: "Illegible"

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 08/12/2020, Expected Purge Date: 08/17/2020

Image SOP

Email Notification, Kim Lundy Service Of Process ctlawsuits@walmartlegal.com

SIGNED: C T Corporation System
ADDRESS: 1999 Bryan St Ste 900
Dallas, TX 75201-3140

For Questions: 877-564-7529
MajorAccountTeam2@wolterskluwer.com

DOS 470 (Rev. 10/09)

DEPARTMENT OF STATE
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

Return Services Requested

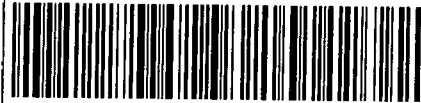


U.S. POSTAGE & METS BOWEN
ZIP 12231
02 1W
\$004.95⁰
0001391631 AUG 06 2020

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

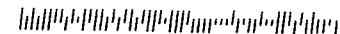
USPS CERTIFIED MAIL

USPS CERTIFIED MAIL



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202008050727
C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK NY 10005



State of New York - Department of State
Division of Corporations

Party Served:
WAL-MART STORES EAST, LP

Plaintiff/Petitioner:
DAVIS, ROSLYN

C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK, NY 10005

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 07/21/2020 pursuant to SECTION 121-109 OF THE REVISED LIMITED PARTNERSHIP ACT. This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF *KINGS*

-----X
ROSLYN DAVIS

Plaintiff/Petitioner,

- against -

Index No. *512020/2020*

WAL-MART STORES EAST, L.P.

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)



To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: July 9, 2020

LEONARD S. SLAVIT

Name

60 East 42nd Street - Ste 2101

LEVINE + SLAVIT, PLLC

Firm Name

New York, N.Y. 10165

Address

212 687 - 2777

Phone

lslavit@l-s-law.com

E-Mail

To: WAL-MART STORES EAST, L.P.

77 Green Acres Road

Valley Stream, N.Y. 11581

2/24/20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
ROSLYN DAVIS,

Plaintiff,

-against-

WAL-MART STORES EAST, LP,

Defendant.
-----X

Index No. 512020/2020
Date Purchased: 7/9/20

Plaintiff designates
Kings County
as the place of trial.

**Summons
With Complaint**

The basis of the venue is
Plaintiff's Address

Plaintiff resides at
2707 Pearson Street
Brooklyn, New York
County of KINGS

To the above named Defendants:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in this complaint.

Dated: March 19th, 2020

Defendant's address:
Wal-Mart Stores East, LP
77 Green Acres Road
Valley Stream, NY 11581

LEVINE & SLAVIT, PLLC

BY: 

IRA S. SLAVIT

Attorneys for Plaintiff
Office and Post Office Address
60 East 42nd Street, Suite 2101
New York, New York 10165-6233
212-687-2777

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
ROSLYN DAVIS,

Plaintiff,

-against-

WAL-MART STORES EAST, LP

Defendant.
-----X

VERIFIED
COMPLAINT

Index No. 5/2020/2020

Plaintiff, complaining of the defendant, by LEVINE & SLAVIT, PLLC, her attorneys, respectfully alleges:

FIRST: That at all the times hereinafter mentioned, the defendant WAL-MART STORES EAST, LP (hereinafter "WAL-MART STORES") was and still is a foreign limited partnership formed under the laws of Delaware.

SECOND: That at all times hereinafter mentioned, the defendant WAL-MART STORES was the owner of a building known as Valley Stream Wal-Mart Supercenter, located at 77 Green Acres Road, in Valley Stream, County of Nassau, State of New York.

THIRD: That at all times hereinafter mentioned, the defendant WAL-MART STORES was the lessee of a building known as Valley Stream Wal-Mart Supercenter, located at 77 Green Acres Road, in Valley Stream, County of Nassau, State of New York.

FOURTH: That at all times hereinafter mentioned, the defendant WAL-MART STORES was the sublessee of a building known as Valley Stream Wal-Mart Supercenter, located at 77 Green Acres Road, in Valley Stream, County of Nassau, State of New York.

FIFTH: That at all times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, operated the aforementioned Valley Stream Wal-Mart Supercenter.

SIXTH: That at all the times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, was in possession and control of the aforementioned Valley Stream Wal-Mart Supercenter, including the building, together with the appurtenances connected therewith.

SEVENTH: That at all the times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, maintained the aforementioned Valley Stream Wal-Mart Supercenter, including the building and appurtenances connected therewith.

EIGHTH: That at all times hereinafter mentioned, there were situated in the aforementioned Valley Stream Wal-Mart Supercenter, boxes of cantaloupes placed on wooden palates for purchase by customers of the defendant.

NINTH: That at all times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, owned the aforementioned wooden palates.

TENTH: That at all times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, was in possession of the aforementioned wooden palates.

ELEVENTH: That at all times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, was in control of the aforementioned wooden palates.

TWELFTH: That at all the times hereinafter mentioned, the defendant WAL-MART STORES by its servants, agents and/or employees, invited members of the general public to be customers at its aforementioned Valley Stream Wal-Mart Supercenter.

THIRTEENTH: That at all the times hereinafter mentioned, the plaintiff was a customer of at the defendant's aforementioned Valley Stream Wal-Mart Supercenter.

FOURTEENTH: That at all the times hereinafter mentioned, the plaintiff was lawfully and properly about the aforesaid Valley Stream Wal-Mart Supercenter, and more particularly in the vicinity of the aforementioned wooden palates containing cantaloupes.

FIFTEENTH: That on or about the 5th day of July, 2018, while plaintiff was lawfully and properly in and about the defendant's aforesaid Valley Stream Wal-Mart Supercenter, in Valley Stream, County of Nassau, State of New York, and more particularly in the vicinity of the aforementioned wooden palates containing cantaloupes, she was caused to trip and fall and to be violently precipitated to the floor.

SIXTEENTH: That the aforesaid occurrence was caused by the reason of the negligence of the defendant, its servants, agents and/or employees, without any fault or lack of care on the part of the plaintiff contributing thereto, in that the defendant maintained its aforesaid store premises, and more particularly the aforementioned palates therein, in a manner manifesting the lack of the degree of care, caution and diligence required under the circumstances; in causing, placing and permitting a wooden palate to be and remain in a position so as to cause and create a tripping hazard and a condition fraught with hazard and danger; in failing to properly place the wooden palate; in failing to take appropriate and timely remedial measure to address the tripping hazard; in failing to comply with good and accepted standards of supermarket operator maintenance; in failing to give any notice or warning of the conditions which existed; in failing to provide adequate and proper safeguards to prevent the commission of injury to its customers; in failing to maintain the palate in good and working condition; and in

failing to reasonably anticipate the contingency which occurred after having knowledge or notice of the same.

SEVENTEENTH: That by reason of the aforesaid occurrence, plaintiff became sick, sore, lame, and disabled; sustained severe and painful injuries to her body, limbs, health, nerves and nervous system, some of which injuries upon information and belief, are of a permanent nature; was compelled to and did undergo medical treatment in endeavoring to be cured of her aforementioned injuries; and was unable to attend to her usual vocation.

EIGHTEENTH: This action falls within one or more of the exceptions set forth in CPLR 1602, including without limitation, subdivisions 2(iv) and 7 thereof.

NINETEENTH: That by reason of the aforesaid occurrence, plaintiff suffered damage in such an amount as may be awarded by Court and Jury.

TWENTIETH: That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendant in such an amount as may be awarded by Court and Jury, together with the costs of this action.

LEVINE & SLAVIT, PLLC

BY: 

IRA S. SLAVIT

Attorneys for Plaintiff

Office & P.O. Address

60 East 42nd Street, Suite 2101

New York, New York 10165-6233

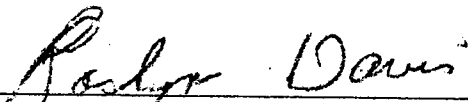
212-687-2777

VERIFICATION

STATE OF NEW YORK)
 : SS:
COUNTY OF KINGS)

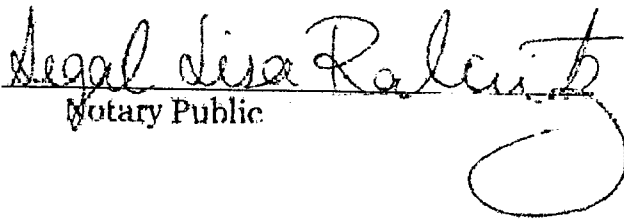
I, Roslyn Davis, being duly sworn, depose and say:

I am plaintiff in the within action, I have read the foregoing COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.



ROSLYN DAVIS

Sworn to before me on this
30th day of March, 2020



Notary Public

LEGAL LISA RABINOWITZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RA6321716
Qualified in Kings County
My Commission Expires March 23, ~~2020~~
2023

Index No. 512020 / 2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

ROSLYN DAVIS,

Plaintiff,

-against-

WAL-MART STORES EAST, LP,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

LEVINE & SLAVIT, PLLC
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